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provisions of article 11 of the town law or of chapter 348 of the laws of 1901 and the laws supplementary thereto or amendatory thereof; or jointly with such other village or a town or city or sewer district established as aforesaid may construct, maintain, operate, or use sewers, outlets, or disposal works; or may contract with any such other village, or a town, or city, or sewer district established as aforesaid for the right to construct and maintain through any such other village, town, or city, or sewer district established as aforesaid an outlet sewer, including the right to acquire real property for such sewer outlet, which thereupon may be acquired either at private sale or by condemnation as authorized by this act. But no such contract shall be made unless a proposition therefor be adopted, stating the maximum expense.

**Surgical operations for the prevention of procreation—To be performed upon certain criminals, the incurable insane, etc. (chap. 445, acts of 1912).**

SEC. 1. Article 18 of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as renumbered article 19 by section 5 of chapter 128 of the laws of 1911, is hereby made article 20 thereof, and sections 350 and 351 of such chapter are hereby renumbered sections 360 and 361, respectively.

SEC. 2. Such chapter is hereby amended by inserting therein a new article, to be article 19 thereof, to read as follows:

*ART. 19.—Operations for the prevention of procreation.*

Sec.

- 350. Board of examiners; compensation and expenses.
- 351. General powers and duties of the board; persons to be operated upon.
- 352. Appointment of counsel to persons to be operated upon.
- 353. Unauthorized and illegal operations.

SEC. 350. *Board of examiners; compensation and expenses.*—Immediately after the passage of this act, the governor shall appoint one surgeon, one neurologist, and one practitioner of medicine, each with at least 10 years' experience in the actual practice of his profession, for a term of five years, to be known as the board of examiners of feeble-minded, criminals, and other defectives, which board is hereby created. The compensation of the members of such board shall be \$10 per diem for each day actually engaged in the performance of the duties of the board, and their actual and necessary traveling expenses. Any vacancies occurring in said board shall be filled by appointment of the governor for the unexpired term.

SEC. 351. *General powers and duties of the board; persons to be operated upon.*—It shall be the duty of the said board to examine into the mental and physical condition and the record and family history of the feeble-minded, epileptic, criminal, and other defective inmates confined in the several State hospitals for the insane, State prisons, reformatories, and charitable and penal institutions in the State, and if in the judgment of the majority of said board procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy or imbecility and there is no probability that the condition of any such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then said board shall appoint one of its members to perform such operation for the prevention of procreation as shall be decided by said board to be most effective.

The criminals who shall come within the operation of this law shall be those who have been convicted of the crime of rape or of such succession of offenses against the criminal law as in the opinion of the board shall be deemed to be sufficient evidence of confirmed criminal tendencies.

SEC. 352. *Appointment of counsel to person to be operated upon.*—The board of examiners shall apply to any judge of the supreme court or county judge of the county

in which said person is confined for the appointment of counsel to represent the person to be examined. Said counsel to act at a hearing before the judge and in any subsequent proceedings, and no order made by said board shall become effective until five days after it shall have been filed with the clerk of the court and a copy shall have been served upon the counsel appointed to represent the person examined, and proof of service of said copy of the order to be filed with the clerk of the court. All orders made under the provisions of this act shall be subject to review by the supreme court or any justice thereof, and said court may upon appeal from any order grant a stay, which shall be effective until such appeal shall have been decided. The judge of the court appointing any counsel under this act may fix the compensation to be paid him. No surgeon performing an operation under the provisions of this act shall be held to account therefor. The record taken upon the examination of every such inmate signed by the said board of examiners shall be preserved by the institution where said inmate is confined, and one year after the performance of the operation the superintendent or other administrative officer of the institution wherein such inmate is confined shall report to the board of examiners the condition of the inmate and the effect of such operation upon such inmate, and a copy of the report shall be filed with the record of the examination.

SEC. 353. *Unauthorized and illegal operations.*—Except as authorized by this act, every person who shall perform, encourage, assist in, or otherwise permit the performance of the operation for the purpose of destroying the power to procreate the human species or any person who shall knowingly permit such operation to be performed upon such person unless the same shall be a medical necessity, shall be guilty of a misdemeanor.

SEC. 3. This act shall take effect immediately.

**Appropriations for year ending September 30, 1913 (chap. 546, acts of 1912, adopted April 19, 1912).**

DEPARTMENT OF HEALTH.

For the salaries of the—

Commissioner of health.....	\$6,000.00
Deputy commissioner of health.....	4,000.00
Secretary.....	4,000.00
Chief clerk and director of the division of vital statistics.....	3,000.00
Ninth grade, one employee.....	2,100.00
Sixth grade, one employee.....	1,200.00
Third grade, one employee.....	600.00
Second grade, one employee.....	480.00

For the actual and necessary traveling expenses of the commissioner in the performance of his official duties, \$1,000, or so much thereof as may be necessary.....

1,000.00

For the actual and necessary traveling expenses of the deputy commissioner in the performance of his official duties, \$500, or so much thereof as may be necessary.....

500.00

For actual and necessary traveling expenses of subordinates of the department of health in the performance of their official duties pursuant to the written direction of the commissioner, \$7,500, or so much thereof as may be necessary.....

7,500.00

For services and expenses of experts and stenographers in examinations and investigations, and for the expenses of the annual conference of health officers, \$9,000, or so much thereof as may be necessary.....

9,000.00

For furniture, books, blanks, binding, printing, messages and other necessary and incidental office expenses, \$10,000, or so much thereof as may be necessary.....

10,000.00